

Remarks/Arguments

In the November 22, 2005 Office Action, the Examiner rejected claims 1-12 and 17-20 pending in the application. Claims 1-12 and 17-20 (3 independent claims; 16 total claims) remain pending in the application. Applicant requests reconsideration in view of the following remarks.

Final Action

The November 22, 2005 Office Action is designated as a Final Action. Applicants disagree that the second Office Action should be made final and request reconsideration and withdrawal of its finality.

Issuance of the finality of a second office action when the Examiner introduces a new ground of rejection that is neither necessitated by the Applicant's amendment of the claims nor based on information submitted in an IDS is premature. MPEP § 706.07(a). In its Response to Arguments section, the Office Action states that the rejections made are new grounds of rejection. The Examiner asserts that Applicant's amendment necessitated the new grounds of rejection. However, Applicant's amendments were limited to filler matrix as recited in claims 1, 8, and 17. The current § 112, first paragraph, rejection speaks solely to a face plate welded to the club body and in no way mentions the amendments made in the previous Office Action. In fact, the current § 112 rejection could have been issued during the first Office Action whether Applicant entered an amendment or not. As such, Applicant respectfully requests withdrawal of the finality of this Office Action.

§112 Rejection

Claims 3, 11, and 17-20 stand rejected under 35 U.S.C. § 112, first paragraph, failing to comply with the enablement requirement. The Office Action states that the Summary of the Invention sets forth that the face is detachable from the club head for adjusting the weight, however, the face plate is welded to the body of the club head. The Action asserts that due to this description the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to make the invention. Applicant respectfully traverses.

In the instant specification, Applicant has disclosed various alternative fastening mechanisms such as detachable faceplates and/or permanently bonded faceplates using a welding process. See paras. [0033], [0034]. Specifically, the specification states "in embodiments using a releasably attachable faceplate 140, no thermal protection is needed as no welding is required." See para. [0035]. Furthermore, the Summary of the Invention states that "[t]he golf club head also may have a detachable face...." (emphasis added). As such, Applicant asserts both mechanisms are sufficiently disclosed in the alternative as to enable one skilled in the art to make the invention.

Moreover, with regard to claims 3, 11, and 17-19, weights are not a claim limitation which requires enablement by the specification.

With regard to claim 20, adjustable weights are not a claim limitation which requires enablement by the specification.

Accordingly, Applicant requests withdrawal of this § 112 rejection of claims 3, 11, and 17-20.

§ 102 Rejections

Claims 1, 2, 8, and 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Chen (5,288,070) or Lo (5,410,798). The Office Action states that Chen or Lo disclose “a body having a body frame structure 10 defining an outer surface of the golf club head and encompassing a filler matrix 20 wherein the outer surface of the filler matrix is at least in partial contact with the inner surface of the body frame and the inner surface of the filler matrix defines a cavity....” Applicant respectfully traverses.

With regard to Chen, the reference does not disclose each and every element of the claims as presently recited. More particularly, Chen discloses a golf club head with an outer shell and an inner shell with an internal cavity completely filled with an inner core without discontinuity—the filler matrix in the club head is not hollow as presently claimed.

In contrast, claims 1 and 8 recite the “inner surface of said filler matrix defines a cavity.” The filler matrix is formed inside the body frame structure leaving the interior cavity of the club hollow. As such, Chen does not disclose each and every element of the present claims.

With regard to Lo, the reference does not disclose each and every element of the claims as presently recited. More particularly, Lo discloses a method for producing a golf head that forms a metal casing, a bowl-shaped laminate member, and an expansible pocket in the bowl-shaped laminated member. Though the expansible pocket forms an inner hollow cavity, the outer surface of this expansible pocket is not in contact with a body frame structure that defines an outer surface of the club head as presently recited. The outer surface of the expansible pocket is only in communication with the bowl-shaped laminate member which is then connected to the metal casing, which is the only element which forms the outer surface of the club head.

In contrast, claim 1 recites "a body frame structure defining an outer surface of the golf club head" and a filler matrix "at least partially in contact with an inner surface of said body frame structure and inner surface of said filler matrix defin[ing] a cavity." Claim 8 recites "a body frame structure defining an outer surface of the golf club head and at least one aperture and a filler matrix which fills an area defined by said aperture and inner surface of said filler matrix defines a cavity." The filler matrix defines both the inner cavity and at least partially the outer surface of the golf club head. As such, Lo does not disclose each and every element of the claims as recited.

Accordingly, Applicant requests withdrawal of the § 102 rejections of claim 1 and 8 and 2 and 9 which depend therefrom.

§ 103 Rejections

Claims 3, 11, and 17-19 stand variously rejected under 35 U.S.C. § 103(a) as being unpatentable over Lo (5,410,798) et al. in view of Anderson (5,094,383). Applicant respectfully traverses.

The Office Action states numerous rejections with respect to the obviousness of the claimed invention. However, none of the combinations result in a club which is a body combination comprising a body frame, a hollow filler matrix, a fastening mechanism, and a coolant system as claimed. Furthermore, there is no motivation or suggestion to combine the references and apply them to the presently amended claims as posited by the Office Action. Rather, the combination is simply impermissible hindsight reconstruction.

As stated above, Lo discloses a method for producing a golf head that forms a metal casing, a bowl-shaped laminate member, and an expansible pocket in the bowl-shaped laminated member. As such, the innermost layer, the expansible pocket, is not in communication with the

outermost layer, the metal casing. The internal construction of the club head requires a third intermediate layer, the bowl-shaped laminate member, which prevents the inner core from ever forming at least partially the outer surface of a club head as presently recited.

Anderson discloses welding a face plate to a club head, which comprises a cast metal piece formed as one layer. As such, there is no motivation or suggestion in either of the references to combine Anderson with Lo, which discloses a club utilizing multiple layers to form the club head. Moreover, combining Anderson with Lo still does not disclose a fastening mechanism for attaching faceplates to a body combination comprising a body frame structure and a hollow filler matrix. Accordingly, Applicant requests that this § 103 rejection be withdrawn.

Claims 4 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lo (5,410,798) in view of Anderson (5,261,664). The Office Action states that although Lo does not disclose the type of fastening mechanism, Anderson discloses a club head wherein the faceplate is attached by removeable and reattachable fasteners making it obvious to attach the face plate to the body using fasteners. Applicants respectfully traverse.

As stated above, Lo discloses a club head utilizing multiple layers to form the club head. Anderson discloses fastening faceplates to club heads which are formed as a single layer. Nowhere does Lo or Anderson suggest that faceplates designated for club formed of a single layer of material are suitable for clubs formed from multiple layers. Furthermore, nowhere does Anderson suggest that the fastening mechanism is removeable and reattachable. On the contrary, Anderson teaches away from removeable fasteners by disclosing that after the fastener heads are in place, the fastener heads are staked into position, and the front of the plate is ground to remove

a thickness 't' from the plate. As shown in Figure 6, any pre-existing ability to remove the fasteners has been ground away.

As such, any combination of Lo and Anderson does not suggest a fastening mechanism comprising removeable and reattachable fasteners for attaching faceplates to a body combination comprising a body frame structure and a hollow filler matrix. The only suggestion or removeable and reattachable fasteners comes from Applicant's disclosure constituting impermissible hindsight reconstruction. As such, Applicants request that this § 103 rejection be withdrawn.

Claims 5-7, 12, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lo (5,410,798) in view of Bliss (6,776,723). The Office Action states that although Lo does not disclose a club head having a tuning weight, Bliss discloses a club head with a tuning weight attached to the interior surface of the club making it obvious to attach a tuning weight to the body. Applicants respectfully traverse.

As stated above, Lo discloses a method for producing a golf head that forms a metal casing, a bowl-shaped laminate member, and an expansible pocket in the bowl-shaped laminated member. Bliss specifically discloses placement of weight members in a golf club head incorporating a metal hollow body comprising the heel, toe, top, bottom, rear, and front wall including a face. As depicted by the figures, the club head is a single formed piece. Nowhere does Lo or Bliss suggest that weighting designed for a club head formed into one piece is desirable to use for a club head formed from multiple layers.

As such, any combination of Lo and Bliss does not suggest having a tuning weight attached to an interior surface of a body combination comprising a body frame structure and a hollow filler matrix. The only suggestion of such comes from Applicant's disclosure

constituting impermissible hindsight reconstruction. As such, Applicants request that this § 103 rejection be withdrawn.

CONCLUSION

In view of the above remarks and amendments, Applicant respectfully submits that all of the currently pending claims 1-12 and 17-20 properly set forth that which Applicant regards as his invention and are allowable over the cited prior art.

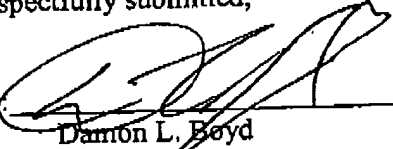
Accordingly, Applicant respectfully requests reconsideration and allowance of all pending claims. The Examiner is invited to telephone the undersigned at (602) 382-6337 at the Examiner's convenience, if that would help further prosecution of the subject Application.

Applicant authorizes and respectfully requests that any fees due be charged to Deposit Account No. 19-2814. This statement does NOT authorize charge of the issue fee.

Respectfully submitted,

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By


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